

IN RE: PETITION FOR VARIANCE
NW/S Philadelphia Road, 810' SW
of the c/l of Lloyd Avenue
(11418 Philadelphia Road)
11th Election District
5th Councilmanic District

Equestrian Acres Partnership
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-72-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11418 Philadelphia Road, located in the vicinity of the John F. Kennedy Highway (I-95) in Perry Hall. The Petition was filed by the owners of the property, Equestrian Acres Partnership, by James S. Sakellaris, President. The Petitioners seek relief from Sections 504 and 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Sections V.B.3.b and V.B.6.b and c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a distance between buildings of 20 feet in lieu of the required 40 feet, a minimum window to property line setback of 5 feet in lieu of the required 15 feet, a window to tract boundary line setback of 30 feet in lieu of the required 35 feet, a window/side yard to a street right-of-way setback of 15 feet in lieu of the required 25 feet for Lots 1 through 55 as shown on the site plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were James Sakellaris, representing the Equestrian Acres Partnership, and Paul Lee, professional engineer who prepared the site plan for this project. Also appearing as parties in interest were Wayne Fuerborn with the Office of

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Date 9/27/96
By [Signature]

MICROFILMED

Planning, and a Mrs. Sheppard who resides on an adjacent property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 19.71 acres, more or less, split zoned D.R. 3.5 and D.R. 5.5, and is proposed for development with 55 single family homes, pursuant to the CRG plan which was approved on April 30, 1992. A copy of the approved plan was submitted and entered into evidence as Petitioner's Exhibit 1. Testimony indicated that the Petitioner now wishes to develop this subdivision in accordance with present-day development standards as contained within the Comprehensive Manual of Development Policies (C.M.D.P.). However, inasmuch as the development plan was approved through the old CRG process, the old building standards apply. Therefore, in order to develop the property in accordance with present C.M.D.P. standards, the requested variances are necessary.

Mr. Paul Lee has indicated on Petitioner's Exhibit 1, a variance chart delineating the requested variances for each lot. These types of variance requests are fairly common when residential subdivision plans have been approved under the old CRG process and current development standards have changed. Testimony indicated that in order to remain competitive with other plans that have been newly approved under the C.M.D.P., developers are constructing homes in their subdivisions in accordance with modern building standards.

It should be noted that no one appeared in opposition to the Petitioners' request; however, the Office of Planning submitted a comment recommending approval, contingent upon compliance with certain terms and restrictions. These restrictions were discussed at the hearing between the Petitioners and Mr. Fuerborn, who appeared on behalf of the Office of

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Date 1/22/96
By [Signature]

Planning. Following their discussion, a modification of those restrictions evolved and will be imposed at the end of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

By

RECORDED

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of September, 1996 that the Petition for Variance seeking relief from Sections 504 and 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Sections V.B.3.b and V.B.6.b and c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a distance between buildings of 20 feet in lieu of the required 40 feet, a minimum window to property line setback of 5 feet in lieu of the required 15 feet, a window to tract boundary line setback of 30 feet in lieu of the required 35 feet, a window/side yard to a street right-of-way setback of 15 feet in lieu of the required 25 feet for Lots 1 through 55 as shown on the site plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) All 55 lots in this subdivision shall have a minimum rear yard setback of 30 feet. The Petitioners/Developer shall be permitted to encroach into this 30-foot setback no more than 25 percent of the setback for the purpose of building an above-grade deck or building overhang. The window to tract boundary line setback of 30 feet shall be maintained for all 55 lots.

3) A yard setback of 25 feet from the Maryland Route 7 right-of-way must be maintained for Lot 1.

4) A 15-foot setback between all window side yards to street rights-of-way must be maintained by the Petitioners/Developer.

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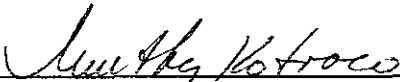
Date

BY

UNRECORDED

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

September 27, 1996

Mr. James S. Sakellaris, President
Equestrian Acres Partnership
5126 Harford Road
Baltimore, Maryland 21214

RE: PETITION FOR VARIANCE
NW/S Philadelphia Road, 810' SW of the c/l of Lloyd Avenue
(11418 Philadelphia Road)
11th Election District - 5th Councilmanic District
Equestrian Acres Partnership - Petitioners
Case No. 97-72-A

Dear Mr. Sakellaris:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Paul Lee
304 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

✓ File

MICROFILMED

61



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #11418 Philadelphia Road - Apperson Property
97-72-A which is presently zoned DR3.5 & DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(see attached sheet)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be addressed at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

~~Contract Purchaser/Lessee~~ Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Signature

304 W. Pennsylvania Avenue

Address

Towson, Maryland

City

State

21204

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

Equestrian Acres Partnership

(Type or Print Name)

Signature

James S. Sakellaris, President

(Type or Print Name)

Signature

5126 Harford Road

426-5000

Address

Phone No

Baltimore, Maryland

21214

City

State

Zipcode

Name Address and phone number or representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Ave. 12104 (821-5941)

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/12/96

Printed with Soybean Ink
on Recycled Paper



UNRECORDED

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Date

By

97-72-A

Variance requested from Sections 504 & 1B)2.3 of the BCZR and Sections V.B.3.b & V.B.6b&c of the CMDP Manual to permit a 20' distance between buildings in lieu of the required 40', a minimum 5' from window to property line setback in lieu of the required 15', a window to tract boundary line of 30' in lieu of the required 35', and a window side yard setback of 15' to a street R/W in lieu of the required 25'. (Variances of 20', 10', 5' and 10' to Lots 1-55 as shown on the site plan).

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DATE 9/27/96
BY [Signature]

RECEIVED

Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

97-72-A

DESCRIPTION

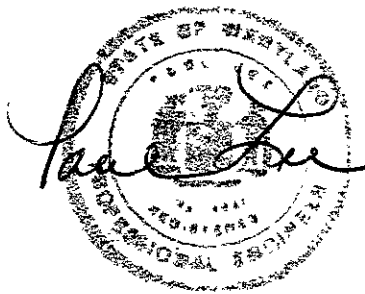
APPERSON PROPERTY

#11418 PHILADELPHIA ROAD

ELECTION DISTRICT 11C5 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in or near the center of Philadelphia Road, said point also being located Southwesterly - 810'[±] from the center of Lloyd Avenue; thence running along the center of Philadelphia Road 1) S 35°10'48" W - 460.90', thence leaving said center of Philadelphia Road 2) N 64°22'32" W - 40.56' thence 3) N 19°54'25" W - 14.11' to the south side of proposed Apperson Road as recorded on the Subdivision Plat of Apperson Property in Plat Book S.M. 67 folio 89, thence binding on the south side of said Apperson Road 4) N 53°19'12" W - 175.22', thence leaving said south side of Apperson Road, 5) S 35°09'59" W - 364.60', thence 7) N 64°19'51" W - 1067.01', thence 8) N 46°52'18" E - 830.02' and 9) S 64°10'45" E - 1125.78' to the point of beginning.

Containing 19.71 acres of land more or less.



#61

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J.O. 93-023

June 12, 1996

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

024753

97-72

DATE 8/15/96 ACCOUNT 01-615

By: MDK

22-61

AMOUNT \$ 685.00

RECEIVED FROM: Equestrian Acres Partnership - 11418 Phila Pl.
070 - multi lot Var - \$650.00
080 - 18m posting - \$ 35.00
FOR: \$685.00

**MAX FEE - RN
+ SIGN**

0139-6007-140-400

\$685.00

01-6007-0324753-13-00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

CASE NUMBER: 97-72-A (Item 61)
11418 Philadelphia Road

Apperson Property
NW/S Philadelphia Road, 810' SW of c/l Lloyd Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Equestrian Acres Partnership

Variance to permit a 20 foot distance between buildings in lieu of the required 40 feet, a minimum 5 foot from window to property line setback in lieu of the required 15 feet, a window to tract boundary line of 30 feet in lieu of the required 35 feet, and a window to side yard setback of 15 feet to a street right-of-way in lieu of the required 25 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

MICROFILMED

Post by 9/10/96 Paul Lee 821-5941

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11C5

Date of Posting

9/10/96

Posted for:

11418 PHILADELPHIA RD. CASE # 97-72-A

Petitioner:

EQUESTRIAN TREES PARTNERSHIP

Location of property:

W. SIDE PHILADELPHIA RD - 810' S. OF CLYD AVE

Location of Sign:

LOT 1 NW CORNER APPERSON RD & PHILA. RD

Remarks:

Posted by

Paul Lee Ellis, Secretary

Signature

Date of return:

9/25/96

Number of Signs:

1



MICROFILMED

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-72-A

(Item 61)

11418 Philadelphia Road
Adoption Property
NW/8 Philadelphia Road, 810'
SW of 114th Avenue
11th Election District
5th Councilmanic
Legal District

Equestrian Acres Partnership
Variances to permit a 20 foot
distance between buildings in
lieu of the required 40 feet, a
minimum 5 foot from window
to property line setback in lieu
of the required 15 feet, a win-
dow to tract boundary line of
30 feet in lieu of the required
35 feet, and a window to side
yard setback of 15 feet to a
street right-of-way in lieu of
the required 25 feet.

Hearing: Wednesday, Septem-
ber 26, 1996 at 10:00 a.m. in
Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the file and/or hearing,
Please Call 887-3391.

8/4/97 August 29

C78528

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 8/29, 1996.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

11/10/97



Baltimore County
Department of Permits and
Development Management

61
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 61 Petitioner: Equestrian Acres Partnership

Location: 11418 Philadelphia Rd. (Apperson Property)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul Lee Engineering, Inc.

ADDRESS: 304 W. Pennsylvania Ave
Towson, MD 21204

PHONE NUMBER: 821-5941



TO: PUTUXENT PUBLISHING COMPANY
September 5, 1996 Issue - Jeffersonian

Please forward billing to:

Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, MD 21204
821-5941

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-72-A (Item 61)
11418 Philadelphia Road
Apperson Property
NW/S Philadelphia Road, 810' SW of c/l Lloyd Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Equestrian Acres Partnership

Variance to permit a 20 foot distance between buildings in lieu of the required 40 feet, a minimum 5 foot from window to property line setback in lieu of the required 15 feet, a window to tract boundary line of 30 feet in lieu of the required 35 feet, and a window to side yard setback of 15 feet to a street right-of-way in lieu of the required 25 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
Site Not Specific	*	
ML Zone	*	DEPUTY ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
James Riffin	*	Case No. 95-470-SPH
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition For Special Hearing. No specific site is the subject of this request, however the petitioner, James Riffin, is attempting to find a suitable site within the ML zone in the Cockeysville-Timonium area upon which to operate a Dutch Farmer's Market. In this special hearing the Petitioner requested the answer to the following hypothetical question: Was the legislative intent, of the amendment to §103.1 of the B.C.Z.R. in Bill No. 100, 1970, to permit continued use of the newly created ML zone for retail purposes as were permitted before the 1970 change?

Mr. Riffin plans to establish a Pennsylvania Dutch Farmer's Market in the ML Zone. However, no Pennsylvania Dutch Market is permitted by right or special exception in this zone. Mr. Riffin argues that the intent of the Bill No. 100, 1970, specifically the amendment to subsection 103.1, was to "provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans." In this he is correct. However, Mr. Riffin also argues that the permitted uses prior to 1970 carry over to any subsequent purchaser, regardless of what use has been applied to the property since 1970. In this analysis, his argument fails.

The only landowners who had rights to a continued expectation of a

CIVIL & CRIMINAL FOR FILING
 Date: 4/27/83
 By: [Signature]



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: (7-72-A (Item 61)
11418 Philadelphia Road
Apperson Property
NW/S Philadelphia Road, 810' SW of c/l Lloyd Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Equestrian Acres Partnership

Variance to permit a 20 foot distance between buildings in lieu of the required 40 feet, a minimum 5 foot from window to property line setback in lieu of the required 15 feet, a window to tract boundary line of 30 feet in lieu of the required 35 feet, and a window to side yard setback of 15 feet to a street right-of-way in lieu of the required 25 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Equestrian Acres Partnership
Paul Lee Engineering, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1996

Mr. James S. Sakellaris, President
Equestrian Acres Partnership
5126 Harford Road
Baltimore, Maryland 21214

RE: Item No.: 61
Case No.: 97-72-A
Petitioner: James S. Sakellaris

Dear Mr. Sakellaris:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 13, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a printed name and title.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



~~BALTIMORE COUNTY PERSONNEL~~
POLICIES AND PROCEDURES
CLASSIFICATION,
COMPENSATION, STATUS AND
OTHER CHANGES

Sec. 2-8

ENTRY/CHANGE TICKET
PREPARATION AND FLOW
(Continued)

Hourly/bi-weekly - new data (if
unchanged, write SAME)
Agency & program number - as
presently on payroll
Agency & program number - new data
(if unchanged, write SAME)
Address - as presently on payroll
Address - new data (if unchanged,
write SAME)
Addition/replacement
PDF Number (when applicable)
Social Security Number
Eligibility for night shift
differential
I.D. card required
Remarks
Agency head's signature

3. For all Entry or Change tickets for
part-time employees, the number of
hours per week each employee will be
scheduled to work MUST be shown.

Sec. 2-9

TERMINATION TICKET PREPARATION
AND FLOW

A termination ticket should be prepared
for each employee who leaves County service
for any reason. The ticket should be
forwarded to the Office of Personnel
promptly. (See Exhibit Y)

Date issued - date prepared by
agency
Last Day Worked - last day employee
had a payroll marking EXCEPTION:
For an employee who did not return
from leave of absence, use the last
day the employee had a payroll marking
prior to going on a leave of absence
Agency & Program No. - agency number
and program number under which
employed was last listed on the
payroll
Name - full name of employee as it

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 4, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 11418 Philadelphia Road

INFORMATION:

Item Number: 61

Petitioner: Equestrian Acres Partnership

Property Size: _____

Zoning: DR 3.5 and DR 5.5

Requested Action: _____

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Zoning

Please note that this site is currently zoned DR 3.5H. At the time of the CRG approval, the site was zoned DR 3.5 and DR 5.5. Also note that Section 259.7.C.2 exempts this unexpired CRG plan from the threshold limits established in the Honeygo Overlay District "H".

Variance Requests

The applicant for the Apperson Property is requesting Blanket Variances for the site. Within the Residential Standards section of the Comprehensive Manual of Development Policies (CMDP), the policy about Blanket Variances states, "the request for blanket variances should only be considered in unusual circumstances. In these cases the appropriate solution is to resubdivide the site to accommodate the larger buildings rather than approve blanket variances."

If one uses the setback requirements listed in Table VI within the Residential Standards section of the CMDP, numerous lots on the proposed plan could meet the requirements. Assuming that the residential buildings will be two stories and 20 feet in height, the Side Building Face to Side Building Face must be 20 feet. The Typical Building Envelope illustrated on the plan shows only 16 feet between buildings, however, 20 feet is possible.

The rear building face to rear property line would be required as 30 feet. Lots 3-17, 34-47, and 51-55 illustrate only 15 feet, which is one-half of the requirement.

MICROFILMED

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Miller, III, Director, OP

On Lot 1, the side yard setback for buildings adjacent to an arterial roadway (MD 7) would be 15 feet plus 20 feet for a total of 35 feet. As proposed, the setback is shown as 25 feet.

If one applies the Honeygo Overlay District setback requirements, the same requirements would apply as noted above, except the yard setback for buildings adjacent to an arterial roadway would be 40 feet instead of 35 feet. Also, note that panhandle lots 43, 44 and 45 would not be allowed if the overlay district standards were used.

Recommendations:

It appears that most of the lots could be developed with today's 40-48 ft. wide typical subdivision residential unit within the current CMDP. The Office of Planning recommends that the variance requests for the building-to-building and window-to-window be granted under the following conditions:

1. All lots shall have a minimum rear yard setback of 30 feet. In no case shall an above grade deck or building overhang encroach within this 30 feet. *20' into setback*
2. The minimum side of building face to side of building face distance be 20 feet as requested and a minimum of 10 feet from window to property line setback be maintained. *flexible OK*
3. The window to tract boundary line of ^{30'}35 feet be maintained for all lots.
4. A yard setback of ^{25'}35 feet from the MD 7 right-of-way for any lots including Lot 1.
5. A window side yard setback of 25 feet to a street right-of-way. - *Questionable*

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL/lw

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 30, 1996

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 3, 1996
Item Nos. 059, 061, 070, 073,
074, 075, 077, 078, 079, & 080

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE24

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: EQUESTRIAN ACRES PARTNERSHIP

Location: NW/S PHILADELPHIA RD., 810' SW OF CENTERLINE LLOYD AVE.
(11418 PHILADELPHIA RD. APPERSON PROPERTY)

Item No.: 061

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

2

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

11/08/96

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

DATE: 9/5/96

SUBJECT: Zoning Advisory Committee

Meeting Date: Aug 26, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

59
61
73
75
77
78
79
80

RBS:sp

BRUCE2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

8-30-86

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204


RE: Baltimore County
Item No. 061 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/DE #7
15 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

RE: PETITION FOR VARIANCE	*	BEFORE THE
11418 Philadelphia Rd (Apperson Property),	*	
NW/S Philadelphia Road, 810' SW of c/l	*	ZONING COMMISSIONER
Lloyd Avenue, 11th Election District,	*	
5th Councilmanic	*	OF BALTIMORE COUNTY
Equestrian Acres Partnership	*	CASE NO. 97-72-A
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Paul Lee
James B. Stokellaris

304 W. Pearl Ave
5126 Hartford Rd, 21214

D.R. 2
H

97-72-A

SUBJECT

"SITE"

D.R. 3.5
H

VE.

LLOYD

RO

BR

BR

NE 10 J

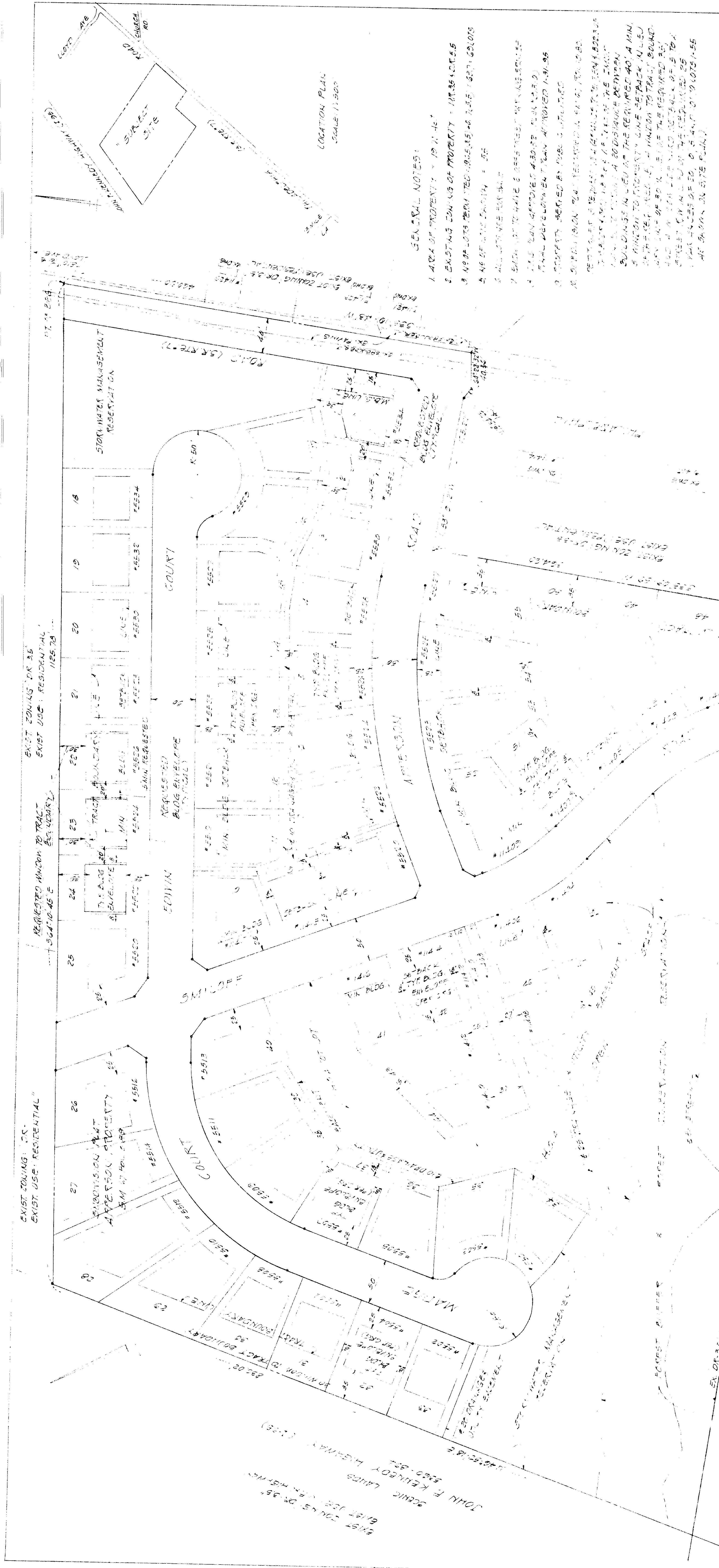
NE 11 J

PRIVATE

ROAD

PHILADELPHIA

SCALE: 1" = 200'



9772-A

PLAT TO ACCOMPANY PETITION FOR
PETITIONER'S
VARIANCE

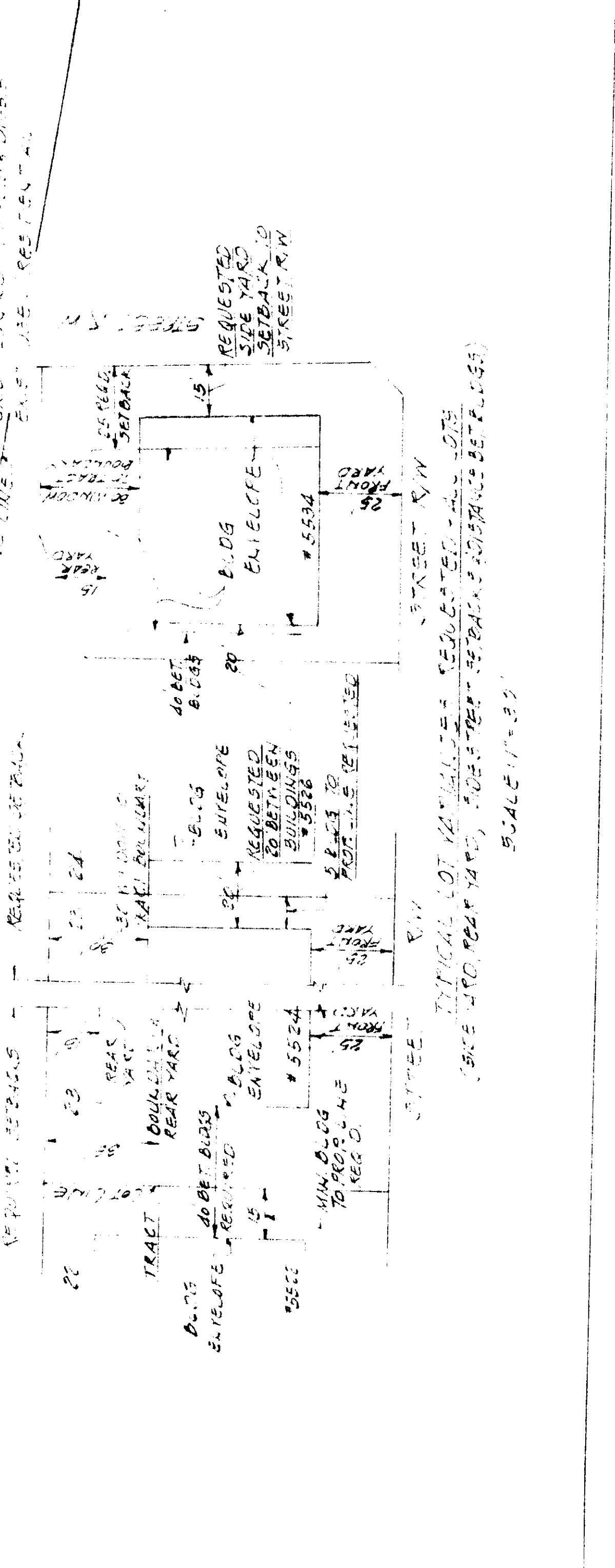
MICROFILMED

#1

SCALE: 1"=50'

PAUL LEE ENGINEERING, INC.
304 W. PELLICER AVENUE
TOMSON, MARYLAND 21004

LOT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
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IN RE: PETITION FOR VARIANCE
NW/4 Philadelphia Road, 810' SW
of the c/l of Lloyd Avenue
(11418 Philadelphia Road)
11th Election District
5th Councilmanic District
Equestrian Acres Partnership
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-72-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11418 Philadelphia Road, located in the vicinity of the John F. Kennedy Highway (I-95) in Perry Hall. The Petition was filed by the owners of the property, Equestrian Acres Partnership, by James S. Sakellaris, President. The Petitioners seek relief from Sections 504 and 1802.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Sections V.B.3.b and V.B.6.b and c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a distance between buildings of 20 feet in lieu of the required 40 feet, a minimum window to property line setback of 5 feet in lieu of the required 15 feet, a window to tract boundary line setback of 30 feet in lieu of the required 35 feet, a window/side yard to a street right-of-way setback of 15 feet in lieu of the required 25 feet for Lots 1 through 55 as shown on the site plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were James Sakellaris, representing the Equestrian Acres Partnership, and Paul Lee, professional engineer who prepared the site plan for this project. Also appearing as parties in interest were Wayne Puerborn with the Office of

Planning, and a Mrs. Sheppard who resides on an adjacent property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 19.71 acres, more or less, split zoned D.R. 3.5 and D.R. 5.5, and is proposed for development with 55 single family homes, pursuant to the CRG plan which was approved on April 30, 1992. A copy of the approved plan was submitted and entered into evidence as Petitioner's Exhibit 1. Testimony indicated that the Petitioner now wishes to develop this subdivision in accordance with present-day development standards as contained within the Comprehensive Manual of Development Policies (C.M.D.P.). However, inasmuch as the development plan was approved through the old CRG process, the old building standards apply. Therefore, in order to develop the property in accordance with present C.M.D.P. standards, the requested variances are necessary.

Mr. Paul Lee has indicated on Petitioner's Exhibit 1, a variance chart delineating the requested variances for each lot. These types of variance requests are fairly common when residential subdivision plans have been approved under the old CRG process and current development standards have changed. Testimony indicated that in order to remain competitive with other plans that have been newly approved under the C.M.D.P., developers are constructing homes in their subdivisions in accordance with modern building standards.

It should be noted that no one appeared in opposition to the Petitioners' request; however, the Office of Planning submitted a comment recommending approval, contingent upon compliance with certain terms and restrictions. These restrictions were discussed at the hearing between the Petitioners and Mr. Puerborn, who appeared on behalf of the Office of

Planning. Following their discussion, a modification of those restrictions evolved and will be imposed at the end of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of September, 1996 that the Petition for Variance seeking relief from Sections 504 and 1802.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Sections V.B.3.b and V.B.6.b and c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a distance between buildings of 20 feet in lieu of the required 40 feet, a minimum window to property line setback of 5 feet in lieu of the required 15 feet, a window to tract boundary line setback of 30 feet in lieu of the required 35 feet, a window/side yard to a street right-of-way setback of 15 feet in lieu of the required 25 feet for Lots 1 through 55 as shown on the site plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) All 55 lots in this subdivision shall have a minimum rear yard setback of 30 feet. The Petitioners/developer shall be permitted to encroach into this 30-foot setback no more than 25 percent of the setback for the purpose of building an above-grade deck or building overhang. The window to tract boundary line setback of 30 feet shall be maintained for all 55 lots.
- 3) A yard setback of 25 feet from the Maryland Route 7 right-of-way must be maintained for Lot 1.
- 4) A 15-foot setback between all window side yards to street rights-of-way must be maintained by the Petitioner/developer.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kurocco
TIMOTHY M. KUROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

September 27, 1996

Mr. James S. Sakellaris, President
Equestrian Acres Partnership
5126 Harford Road
Baltimore, Maryland 21214

RE: PETITION FOR VARIANCE
NW/4 Philadelphia Road, 810' SW of the c/l of Lloyd Avenue
(11418 Philadelphia Road)
11th Election District - 5th Councilmanic District
Equestrian Acres Partnership - Petitioners
Case No. 97-72-A

Dear Mr. Sakellaris:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

Timothy M. Kurocco
TIMOTHY M. KUROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Paul Lee
304 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

file



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #11418 Philadelphia Road - Apperson Property
which is presently zoned DR3.5 & DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property, situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections (see attached sheet)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

To be addressed at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Consent Petitioner/Engineer:

Paul Lee Engineering, Inc.

Paul Lee

304 W. Pennsylvania Avenue

Towson, Maryland 21204

City State Zip

Address

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

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City State Zip

City State Zip

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Paul Lee, P.E.

Paul Lee Engineering, Inc.

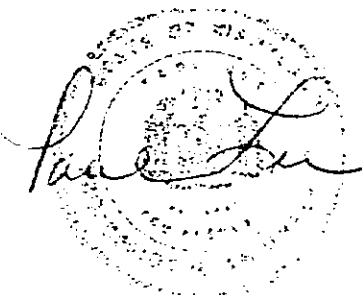
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5341

DESCRIPTION

APPERSON PROPERTY

#11418 PHILADELPHIA ROAD
ELECTION DISTRICT 11CS BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in or near the center of Philadelphia Road, said point also being located Southwesterly - 810'± from the center of Lloyd Avenue; thence running along the center of Philadelphia Road 1) S 35°10'48" W - 460.90', thence leaving said center of Philadelphia Road 2) N 64°22'32" W - 40.56' thence 3) N 19°54'25" W - 14.11' to the south side of proposed Apperson Road as recorded on the Subdivision Plat of Apperson Property in Plat Book S.M. 67 Folio 89, thence binding on the south side of said Apperson Road 4) N 53°19'12" W - 175.22', thence leaving said south side of Apperson Road, 5) S 35°09'59" W - 364.60', thence 7) N 64°19'51" W - 1067.01', thence 8) N 46°52'18" E - 830.02' and 9) S 64°10'45" E - 1125.78' to the point of beginning. Containing 19.71 acres of land more or less.



#61

J.O. 93-023
June 12, 1996

Engineers - Surveyors - Site Planners

CASE NUMBER: 97-72-A (Item 61)
11418 Philadelphia Road
Apperson Property
NW/4 Philadelphia Road, 810' SW of c/l Lloyd Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Equestrian Acres Partnership

Variance to permit a 20 foot distance between buildings in lieu of the required 40 feet, a minimum 5 foot from window to property line setback in lieu of the required 15 feet, a window to tract boundary line of 30 feet in lieu of the required 35 feet, and a window to side yard setback of 15 feet to a street right-of-way in lieu of the required 25 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Post by 9/10/96 Paul Lee 821-5941

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11CS Date of Posting: 9/6/96
Posted for: 11418 PHILADELPHIA RD. CASE # 97-72-A
Petitioner: EQUESTRIAN ACRES PARTNERSHIP
Location of property: W SIDE PHILADELPHIA RD - 810' SW OF LLOYD AVE
Location of Sign: LOT 1 NW CORNER APPERSON RD & PHILA. RD
Remarks: PAUL LEE ENGINEERING, INC. Date of return: 9/25/96
Posted by: PAUL LEE ENGINEERING, INC.
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations, will hold a public hearing on the proposed variance to the Zoning Ordinance, Case No. 97-72-A, at the following time and place:

Case No. 97-72-A
(Item 61)
11418 Philadelphia Road
Apperson Property
NW/4 Philadelphia Road, 810' SW of c/l Lloyd Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Equestrian Acres Partnership

Variance to permit a 20 foot distance between buildings in lieu of the required 40 feet, a minimum 5 foot from window to property line setback in lieu of the required 15 feet, a window to tract boundary line of 30 feet in lieu of the required 35 feet, and a window to side yard setback of 15 feet to a street right-of-way in lieu of the required 25 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Printed with Soybean Ink on Recycled Paper

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/29, 1996.

THE JEFFERSONIAN,
A. Hemickson
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

#61
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 61 Petitioner: Equestrian Acres Partnership
Location: 11418 Philadelphia Rd. (Apperson Property)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul Lee Engineering, Inc.
ADDRESS: 304 W. Pennsylvania Ave.
Towson, MD 21204
PHONE NUMBER: 410-5191

Printed with Soybean Ink on Recycled Paper

12

To: FUTURITY PUBLISHING COMPANY
September 5, 1996 Issue - Jeffersonian
Please forward billing to:
Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, MD 21204
821-5941

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-72-A (Item 61)
11418 Philadelphia Road
Apperson Property
NW/4 Philadelphia Road, 810' SW of c/l Lloyd Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Equestrian Acres Partnership

Variance to permit a 20 foot distance between buildings in lieu of the required 40 feet, a minimum 5 foot from window to property line setback in lieu of the required 15 feet, a window to tract boundary line of 30 feet in lieu of the required 35 feet, and a window to side yard setback of 15 feet to a street right-of-way in lieu of the required 25 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 27, 1996

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-72-A (Item 61)
11418 Philadelphia Road
Apperson Property
NW/4 Philadelphia Road, 810' SW of c/l Lloyd Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Equestrian Acres Partnership

Variance to permit a 20 foot distance between buildings in lieu of the required 40 feet, a minimum 5 foot from window to property line setback in lieu of the required 15 feet, a window to tract boundary line of 30 feet in lieu of the required 35 feet, and a window to side yard setback of 15 feet to a street right-of-way in lieu of the required 25 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Equestrian Acres Partnership
Paul Lee Engineering, Inc.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT YOUR OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1996

Mr. James S. Sakellaris, President
Equestrian Acres Partnership
5126 Harford Road
Baltimore, Maryland 21214

RE: Item No.: 61
Case No.: 97-72-A
Petitioner: James S. Sakellaris

Dear Mr. Sakellaris:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 13, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: September 4, 1996
FROM: Arnold F. "Pat" Keller, III, Director, OP
SUBJECT: 11418 Philadelphia Road

INFORMATION:

Item Number: 61
Petitioner: Equestrian Acres Partnership
Property Size: _____
Zoning: DR 3.5 and DR 5.5
Requested Action: _____
Hearing Date: 9/25/96

SUMMARY OF RECOMMENDATIONS:

Zoning

Please note that this site is currently zoned DR 3.5H. At the time of the CRG approval, the site was zoned DR 3.5 and DR 5.5. Also note that Section 259.7.C.2 exempts this unexpired CRG plan from the threshold limits established in the Honeygo Overlay District "H".

Variance Requests

The applicant for the Apperson Property is requesting Blanket Variances for the site. Within the Residential Standards section of the Comprehensive Manual of Development Policies (CMDP), the policy about Blanket Variances states, "the request for blanket variances should only be considered in unusual circumstances. In these cases the appropriate solution is to redivide the site to accommodate the larger buildings rather than approve blanket variances."

If one uses the setback requirements listed in Table VI within the Residential Standards section of the CMAP, numerous lots on the proposed plan could meet the requirements. Assuming that the residential buildings will be two stories and 20 feet in height, the side building face to side building face must be 20 feet. The Typical Building Envelope illustrated on the plan shows only 16 feet between buildings, however, 20 feet is possible.

The rear building face to rear property line would be required as 30 feet. Lots 3-17, 34-47, and 51-55 illustrate only 15 feet, which is one-half of the requirement.

TO: Arnold Jablon, Director, PDM
FROM: Arnold P. "Pat" Miller, III, Director, OP

On Lot 1, the side yard setback for buildings adjacent to an arterial roadway (MD 7) would be 15 feet plus 20 feet for a total of 35 feet. As proposed, the setback is shown as 25 feet.

If one applies the Honeygo Overlay District setback requirements, the same requirements would apply as noted above, except the yard setback for buildings adjacent to an arterial roadway would be 40 feet instead of 35 feet. Also, note that panhandle lots 43, 44 and 45 would not be allowed if the overlay district standards were used.

Recommendations:

It appears that most of the lots could be developed with today's 40-48 ft. wide typical subdivision residential unit within the current CNDP. The Office of Planning recommends that the variance requests for the building-to-building and window-to-window be granted under the following conditions:

1. All lots shall have a minimum rear yard setback of 30 feet. In no case shall an above grade deck or building overhang encroach within this 30 feet.
2. The minimum side of building face to side of building face distance be 20 feet as requested and a minimum of 10 feet from window to property line setback be maintained.
3. The window to tract boundary line of 36 feet be maintained for all lots.
4. A yard setback of 35 feet from the MD 7 right-of-way for any lots including Lot 1.
5. A window side yard setback of 25 feet to a street right-of-way.

Prepared by: William W. Long

Division Chief: Carol L. Verna

APK/JL/LW

ITEM61/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management
Date: August 30, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 3, 1996
Item Nos. 059, 061, 070, 073,
074, 075, 077, 078, 079, & 080

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

20VE24

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 08/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: EQUESTRIAN ACRES PARTNERSHIP

Location: NW/4 PHILADELPHIA RD., 810' SW OF CENTERLINE LLOYD AVE.
(11418 PHILADELPHIA RD. APPERSON PROPERTY)

Item No.: 061 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, RS-1102F

cc: File

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

DATE: 9/5/96

SUBJECT: Zoning Advisory Committee
Meeting Date: August 26, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 59
61
73
75
77
78
79
80

RBS:sp
BRUCEZ/DEPRM/TXTSBR



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker P. Williams
Acting Secretary

8-30-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 061 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD ~~45~~ 7 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
11418 Philadelphia Rd (Apperson Property),
NW/4 Philadelphia Road, 810' SW of c/l
Lloyd Avenue, 11th Election District,
5th Councilmanic
Equestrian Acres Partnership
Petitioners
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-72-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Paul Lee
James R. Shindler

304 W. Penna Ave
5126 Hartford Rd, 71214

